

UTAH AIR QUALITY BOARD MEETING

March 5, 2008

168 North 1950 West, Room 101

Salt Lake City, Utah 84116

FINAL MINUTES

I. Call-to-Order

Ernie Wessman called the meeting to order at 1:38 p.m.

Board members present:

Ernest Wessman, Jim Horrocks, Nan Bunker, Wayne Samuelson, Kathy Van Dame, Craig Petersen, Steve Sands, Joel Elstein, Rick Sprott, and Darrell Smith

Excused: Stead Burwell

Executive Secretary: Cheryl Heying

II. Date of the Next Air Quality Board Meeting: April 2, 2008 and May 7, 2008.

III. Approval of the Minutes for February 6, 2008 Board Meeting.

- Steve Sands moved to approve the minutes of the February Board meeting. Joel Elstein seconded. The Board approved unanimously.

IV. Petition to Intervene of the Intermountain Power Project Unit 3 Development Committee. Presented by Fred Nelson.

Mr. Wessman stated that because of his business relationship with the Intermountain Power Project (IPP) Unit 3 Development Committee participants he is recusing himself from this agenda item and would ask that Mr. Horrocks conduct this item. Other Board members recused included Steve Sands, Rick Sprott, and Kathy Van Dame. Ms. Van Dame added that although she would not vote, she would participate in the discussion.

Fred Nelson, of the Attorney General's Office and counsel to the Board, stated that about six months ago the Board received information that counsel for the Intermountain Power Service Corporation (IPSC) group had withdrawn based on some corporate decisions. At that point, the appeal was tabled until issues could be worked out. The Board has now received a petition to intervene from the IPP Unit 3 Development Committee to start the process going forward with that appeal. Under the rules, in order for this matter to go forward, the Board would have to grant the petition to intervene. An opposition memorandum from Sierra Club has also been received followed with a reply memorandum from the IPP Unit 3 Development Committee. It is Mr. Nelson's recommendation, to which both parties have agreed, that each side spend 15 minutes presenting their argument and any rebuttal to the Board. The Board would then discuss and make a decision on whether or not to grant the petition to intervene.

H. Michael Keller, of VanCott, Bagley, Cornwall & McCarthy, P.C. representing the Intermountain Power Project Unit 3 Development Committee (Committee), stated that the Committee is currently comprised of the Utah Associated Municipal Power Systems (UAMPS), PacifiCorp, and Southern Nevada Water. The Committee has filed a petition to intervene to which Mr. Keller explained to the Board why they should be granted intervention and the legal standard. It is the position of the Committee that they have owned IPP Unit 3 all along and as participants own the rights to the approval order as documented in the information submitted to the Board. Mr. Keller concluded that the Committee simply requests that intervention be granted so that they have the opportunity to work to lift the continuance and to set up a scheduled that all parties can work with.

Joro Walker, of the Utah Chapter of the Sierra Club, stated the Sierra Club's opposition to the Committee's request for petition to intervene. Ms. Walker explained each of the conditions regarding intervention have not been met by the Committee. Documentation to their opposition was submitted to the Board members. Ms. Walker concluded that the Committee has not submitted facts sufficient to demonstrate that it owns the approval order, can develop it, and that intervention should not be granted.

The Board then discussed and asked questions on the petition with both parties and with the Board's counsel. Mr. Nelson concluded by stating the issue before the Board at this time is whether to grant intervention and that the Board needs to look at the documentation presented in making their decision.

- Darrell Smith moved to approve the petition to intervene of the Intermountain Power Project Unit 3 Development Committee. Nan Bunker seconded. The Board approved unanimously.

Mr. Wessman introduced requested public comments.

James O. Kennon, president of Sevier Citizens for Clean Air and Water and Save Our Air and Resources, asked to comment on the IPP Unit 3 Development Committee's request to the Board. Given that Mr. Kennon was not a party to the adjudicated matter just heard by the Board, he was asked to hold his comments. Mr. Kennon stated that he has an interest in the extension of the permit. It is his suggestion that under the conditions of the Board's vote today that if the Development Committee is put on the approval order that it be sent to the EPA to get their approval.

Terry Marasco, of Snake Valley Citizens Alliance, asked to comment on emissions of coal-fired power plants regarding West Desert Utah. Mr. Marasco stated his opposition to the power plants in Nevada and of the radiation emissions being emitted from these power plants. He added that Utah should be concerned not only by the possible downwind damage of these emissions, but the damage to the aquifers under the borders and threat to the economy because of the pollution that could potentially end up in Utah.

V. Informational Items.

A. A-1 Restoration Cancellation of Hearing. Presented by Fred Nelson.

Mr. Nelson stated that the Board had previously appointed Mr. Wessman hearing officer on a contesting appeal for a notice of violation (NOV) issued to A-1 Restoration. Mr. Nelson was informed that the company was no longer in

business, there is pending criminal actions against the company with respect to part of the NOV issues, and that considerable time has passed since the NOV was issued. The DAQ had met and decided not to pursue the hearing and Mr. Nelson agrees with the recommendation.

B. Air Quality Public Information Policy Follow-Up. Presented by Joe Thomas.

Joe Thomas, Environmental Program Manager at DAQ, stated that he and staff had met with William Bowen to discuss some of his concerns brought to the Board last month. Based on their meeting, the DAQ came up with a response paper to which Mr. Thomas summarized to the Board.

C. 2007 Annual Report. Presented by Robert Clark.

Robert Clark, Environmental Scientist at DAQ, stated that the 2007 Annual Report has been completed and is available on the DAQ website.

D. Clean Fuels & Vehicle Technology Grant and Loan Program. Presented by Nykole Littleboy.

Nykole Littleboy, Research Analyst at DAQ, informed the Board of upcoming proposals for a new clean fuel and vehicle technology program rule and an amendment to the tax credit rule which will be consistent with the new rule.

E. Compliance. Presented by Jay Morris and Harold Burge.

F. Air Toxics. Presented by Robert Ford.

G. Monitoring. Presented by Bob Dalley.

Bob Dalley updated the Board on monitoring data.

H. Response to Steven Packham's Presentation on February 6, 2008 to the Air Quality Board. Presented by Brian Moench.

Doctors Brian Moench, Howie Garber, Courtney Henley, and Scott Hurst, of the Utah Physicians for Healthy Environment (UPHE), asked the Board to hear their response to Steven Packham's presentation last month. The UPHE then followed with their presentation and concluded with their determination to let the public know how the public's health is impacted by air pollution and offered the help and expertise of UPHE in this effort.

Meeting was adjourned at 4:13 p.m.

Minutes approved: May 7, 2008.

**UTAH AIR QUALITY BOARD
WORKING LUNCH SESSION
March 5, 2008
150 North 1950 West - Main Conference Room
Salt Lake City, Utah 84116**

FINAL MINUTES

Board members present: Ernie Wessman, Rick Sprott, Nan Bunker, Joel Elstein, Steve Sands, Wayne Samuelson, Craig Petersen, Jim Horrocks, Kathy Van Dame, and Darrell Smith.

Dave McNeill, SIP/Rules Section Manager at DAQ, was asked to explain to the Board the state implementation plan (SIP) development. Mr. McNeill stated that in Utah the air is much cleaner than it has been in the past. Significant work has been done to clean up the air, but more needs to be done. He explained in a presentation to the Board the SIP process. The EPA is required by the Clean Air Act to establish health standards based on epidemiological studies and laboratory tests to protect the most sensitive people. These standards are reviewed by EPA every five years to make sure they are still protective of health based on the most current information. The SIP is the documentation of how we will meet the standards. The writing of a SIP takes a lot of information and is a lengthy process and the DAQ is working with stakeholders to come up with a better understanding of the problems.

Brock LeBaron, Technical Analysis Manager at DAQ, explained the regional modeling that is used to evaluate all sources across an urbanized area and how the modeling is included with the SIP to EPA to demonstrate that the control strategies selected achieve the desired reduction in pollution.

Minutes approved: May 7, 2008.